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AND BEA SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DATAMIZE, L.L.C., a Wyoming limited liability  
corporation,

Plaintiff,

v.

PLUMTREE SOFTWARE, INC., a Delaware  
corporation and BEA SYSTEMS, INC, a  
Delaware corporation,

Defendants.

No. 04 2777 VRW

JOINT STIPULATION AND ~~[PROPOSED]~~  
ORDER TO STAY PROCEEDINGS

1 Plaintiff Datamize, L.L.C. ("Datamize") and Defendants Plumtree Software, Inc. ("Plumtree")  
2 and BEA Systems, Inc. ("BEA") jointly submit this stipulation to stay proceedings in this matter.

3 WHEREAS, On December 13, 2007, Plumtree and BEA filed a motion to disqualify  
4 Datamize's counsel at McKool Smith, and on February 6, 2008, this Court disqualified McKool  
5 Smith from further representing Datamize in this patent infringement suit;

6 WHEREAS, The existing fact discovery cut-off date in this case is April 7, 2008;

7 WHEREAS, Datamize intends to seek appellate review and anticipates filing a Petition for  
8 Writ of Mandamus with the Court of Appeals for the Federal Circuit (Datamize's "Petition") no  
9 later than March 6, 2008, which the parties believe will not delay this case more than two or three  
10 months;

11 WHEREAS, Datamize represents that it has already begun the process of securing successor  
12 counsel in the event the disqualification order remains in place but that it is currently without  
13 counsel able to take the case forward on the current schedule; and

14 WHEREAS, assuming the petition for the writ is resolved prior to May 2008, Datamize  
15 anticipates that it will be prepared to take the case forward on a revised schedule with McKool  
16 Smith or with successor counsel by no later than May 2008.

17 IT IS THEREFORE HEREBY STIPULATED, by and between the parties, by and through  
18 their respective attorneys of record, that:

- 19 1. This matter is stayed until further order of the Court.
- 20 2. The pending deadlines and the trial date are hereby taken off calendar.
- 21 3. Datamize shall notify this Court promptly when the Federal Circuit issues a final ruling  
22 on the Petition for Writ of Mandamus Datamize intends to file with the Court of Appeals for the  
23 Federal Circuit.
- 24 4. No later than 14 days following the Federal Circuit's final ruling on the Petition for Writ  
25 of Mandamus, the parties shall file a joint case management statement with the Court containing  
26 their proposal for a revised case calendar and trial date.
- 27 5. A further case management conference shall be set in this matter on May 22, 2008 at  
28 3:30 p.m. If, however, the Federal Circuit has not issued its ruling on the Petition for Writ of

1 Mandamus by May 5, 2008, then Datamize shall file a report with the Court no later than May 8,  
2 2008 informing the Court as to the status of the Petition and suggesting a date for a further case  
3 management conference.

4  
5 DATED: March 4, 2008.

HOWARD RICE NEMEROVSKI CANADY  
FALK & RABKIN, A Professional Corporation

6  
7 By: /s/ Jeffrey E. Faucette  
JEFFREY E. FAUCETTE

8 Attorneys for Plaintiff and Counter-Defendant  
9 DATAMIZE, L.L.C.

10 WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

11  
12 By: /s/ Michael B. Levin  
MICHAEL B. LEVIN

13 Attorneys for Defendants and Counterclaimants  
14 PLUMTREE SOFTWARE, INC. and BEA SYSTEMS,  
INC.

15  
16 **ATTESTATION**

17 I, Jeffrey E. Faucette, am the ECF User whose identification and password are being used to file  
18 this Joint Stipulation and [Proposed] Order to Stay Proceedings. In compliance with General Order  
19 45.X.B, I hereby attest that Michael B. Levin has concurred in this filing.

20 DATED: February 29, 2008.

HOWARD RICE NEMEROVSKI CANADY  
FALK & RABKIN, A Professional Corporation

21  
22 By: /s/ Jeffrey E. Faucette  
JEFFREY E. FAUCETTE

23 Attorneys for Defendant and Counterclaimant  
24 DATAMIZE, L.L.C.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: March 10, 2008

